



Namibia

Country Reports on Human Rights Practices - [2002](#)

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Namibia is a multiparty, multiracial democracy. President Sam Nujoma, leader of the South West Africa People's Organization (SWAPO), was reelected in 1999 general elections, which international and domestic observers agreed were free, but included some instances of government harassment of the opposition and unequal access to media coverage and campaign financing. In the 1999 elections, SWAPO won three-quarters of the seats in the National Assembly. In 2001 President Nujoma announced that he planned to step down at the end of his term. The judiciary was independent.

The police, including the paramilitary Special Field Force (SFF), supervised by the Ministry of Home Affairs, and the Namibian Defense Force (NDF), supervised by the Ministry of Defense, shared responsibility for internal security. The Namibian Central Intelligence Service (NCIS) has responsibility for national security-related intelligence inside and outside the country. Abuses by security forces in the Kavango and Caprivi regions decreased significantly when crossborder fighting from and in Angola came to an end. All NDF soldiers who were sent to the Democratic Republic of the Congo (DRC) in 1998 have been withdrawn. Members of the police force and the NDF were under the full control of, and were responsive to, the civilian Government. Members of the security forces committed serious human rights abuses during the year.

The country's modern private sector produced most of its wealth, while a traditional subsistence agricultural sector (mainly in the north) supported most of its labor force. The population was approximately 1.8 million. Ranching still was controlled largely by white citizens and foreign interests. In other industries, including the important mining, fishing, and tourism sectors, the participation of indigenous entrepreneurs has increased and provided growing opportunities for black citizens. Although there was an extreme disparity between the income levels of black citizens and white citizens, the living standards of black citizens continued to improve, and the major economic resources in the country no longer were controlled exclusively by white citizens. Unemployment was nearly 40 percent and affected primarily the black majority.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. During the year, members of both the Namibian and Angolan security forces killed civilians in the country. There were deaths in custody. The Government did not account for the whereabouts of several persons detained by the security forces. Security forces mistreated and reportedly tortured citizens during arrests and detentions. Unlike in the previous year, there were no reports that refugees were denied legal protections during detention. Some security force members who committed abuses were arrested and tried; however, the Government did not take action in other cases. Prison conditions and conditions in military detention were Spartan. Problems with arbitrary arrest and lengthy pretrial detention continued. A large court backlog, due primarily to resource constraints, continued to lead to lengthy delays of trials. High-level government officials continued to respond to criticism of ruling party and government policies with verbal abuse. There continued to be pressure on journalists who worked for government-owned media outlets not to criticize the Government. Unlike in the previous year, there were no reports that the Government restricted freedom of movement. Violence against women and children, including rape and child abuse, continued to be serious problems; however, the Government took some steps during the year to address these problems. Women continued to experience serious legal and cultural discrimination. Racial and ethnic discrimination and serious disparities in education, health, employment, and working conditions continued. Discrimination against indigenous persons persisted, especially in remote rural areas where indigenous people often were unaware of their rights. There were reports of forced labor, including by children. The Government took steps to end child labor, and the problem of child labor declined. Trafficking in persons occurred. Namibia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

After the April cease-fire, crossborder fighting in the northern part of the country ceased, and human rights abuses by Angolan Armed Forces (FAA) and the National Union for the Total Independence of Angola (UNITA) forces decreased significantly. Prior to the April cease-fire, Angolan forces committed unlawful killings and assaulted civilians.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Security forces committed several unlawful killings during the year, including in the Kavango and Caprivi regions. During the year, an Amnesty International report named the police and the paramilitary SFF as the worst human rights abusers in the country. For example, in February a member of the SFF shot and killed Kangere Kanjenje in eastern Kavango. Reports alleged that Kanjenje was wearing a South West Africa Territorial Force (SWATF) T-shirt at the time of the shooting. The SWATF fought alongside South African troops against the People's Liberation Army of Namibia, the force from which most current SFF members were recruited. The SFF members allegedly pulled Kanjenje aside at a gathering, told him they had warned him about wearing the shirt, then one member shot and killed him. A SFF member was in custody pending trial for murder at year's end.

On February 18, a SFF member shot and killed Wilhelm Hafeni Hamuteta at Ondajbayala village. Hamuteta reportedly was an escapee from Oshakati police custody. The SFF member allegedly first shot Hamuteta in the hand, then three times in the chest at close range when Hamuteta stopped and surrendered. The case was under investigation at year's end.

On November 4, NDF soldiers shot and killed five men on Situngu Island in the Caprivi region. The NDF alleged that the men were affiliated with the secessionist rebel group, the Caprivi Liberation Army (CLA). Police began an investigation into the case, and three homicide charges were filed against the responsible NDF officers by year's end.

Unlike in the previous year, security forces did not kill Angolan citizens.

There were no developments in the following 2001 cases: The June killing of a woman in a Catholic Church by NDF soldiers; the June killing of Heblonia Maliro Tjiti by an SFF soldier; and the September killing of Marian Muyeghu and Poroto Kakuru by SFF soldiers.

The trial of an NDF soldier for the 2001 killing of Libwere Shampapi was pending in the Regional Court of Rundu at year's end.

During the year, NDF officers were charged with the 2000 murder of Felizberto Toto; police completed an investigation and the case was with the Prosecutor General at year's end.

There was no further information available on any actions taken against responsible members of the security forces in the following 2000 cases: The January killing of a 6-year-old girl by a SFF member who was charged with murder; the January killing of Mpengu Haininga by SFF members who were charged with murder; and the March case of a SFF member who was arrested and charged with killing Mapeu Moroshi.

During the year, several persons died in custody. For example, on August 7, Joseph Siboyili died at Grootfontein, and on September 26, Walubita Erasmus Chika died at Grootfontein. According to press reports, both men died of natural causes. On October 26, Cassius Pেকেলেzo died of unknown causes at Katima Mulilo State Hospital after SFF forces took him there under heavy guard. Human rights groups alleged that Pেকেলেzo was tortured in detention. Siboyili, Chika, and Pেকেলেzo all were detained as high treason suspects connected with the 1999 secessionist attacks in Caprivi (see Section 1.d.).

The 2001 death in custody of Ismael Mohamed remained under investigation at year's end, and no further action was taken in the 2001 death in custody of Hans Dikua.

During the year, the Government completed an investigation of the 1999 case in which a police officer in Okahandja beat to death a student who was arrested and in custody for disorderly conduct. The police officer immediately was suspended, charged, and released on bail; his case was with the Prosecutor General at year's end.

end.

At times the Government took action against security forces responsible for deaths; however, in other cases, the Government did not take action against security force members responsible for killings.

Crossborder fighting related to the conflict in Angola ceased during the year, which resulted in significantly fewer civilian deaths. The media last reported crossborder fighting in January. Fighting ceased completely after the February assassination of UNITA leader Jonas Savimbi and the April signing of a ceasefire agreement between the FAA and UNITA rebels. After the April ceasefire, Namibian security forces helped to demobilize UNITA rebel forces. Human rights groups, NGOs, and the U.N. noted that the Namibian police and security forces provided assistance to refugees and civilians immediately after the ceasefire. Unlike in previous years, there were no reports of Angolan government soldiers killing Namibian civilians. On March 3, armed men shot and killed Kavango villager Sakaria Haundjange Stephanus. Media and human rights groups reported that the armed men were thought to be UNITA soldiers. There was no further information about the report by year's end.

There were no developments in the following cases: The April 2001 death of Nghihangwa Kandume after being in the company of FAA soldiers; the 2000 case in which an FAA soldier killed Thaddeus Vili; or in the 2000 case of Thadeus Mubili who was killed by FAA soldiers.

After the April ceasefire in Angola, FAA and UNITA forces ceased using landmines; however, landmines killed and injured several persons during the year. For example, on May 10, the National Society of Human Rights (NSHR) reported that an ordinance explosion killed Jonas Musongo. During the year, residents in northern regions such as Onamunama and Utomba continued to report landmines.

The Ministry of Defense, national police, and a team of investigators from France determined that UNITA rebels were responsible in the 2000 case of a family of foreign tourists who were killed by unknown armed men.

b. Disappearance

There were several reports of disappearances perpetrated by the security forces during the year. The Government did not account for the whereabouts of some persons detained by the security forces. Human rights groups alleged that in February NDF soldiers arrested and detained Fransisco Chivela on suspicion of being a "UNITA bandit." Chivela was held in the Katima Mulilo police precinct; however, his whereabouts were unknown at year's end.

There was no new information in the April 2001 case of Corporal Musenge Chipoya. The NDF considered Chipoya AWOL, and a NDF Board of Inquiry formed to investigate the case has recommended his discharge in conformity with the Military Discipline Code.

The NSHR reported that Joao Vinevale, arrested in June 2001 on suspicion of weapons possession, was transported to the Angolan border town of Calai; his whereabouts remained unknown at year's end.

There were no developments in the 2000 disappearance of Cesar Domingos, an Angolan citizen, who reportedly has been missing since his arrest in Mohopi village by NDF soldiers.

Unlike in previous years, there were no reports that UNITA or FAA forces kidnaped Namibian citizens and took them to Angola during crossborder attacks.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides that no persons shall be subject to such practices; however, police, especially members of the SFF, beat or otherwise mistreated prisoners in practice. The majority of serious abuses took place in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces spilled into the country. With the end of hostilities in Angola, the reports of mistreatment by security forces decreased markedly.

Security forces and police beat and reportedly tortured several persons they held in custody. For example, in October officers at Swakopmund police cells beat Joey Yon after he argued with and assaulted a police officer. Assault charges were filed against Yon and his case was awaiting trial at year's end. The officers' case was pending with the Prosecutor General at year's end.

In 2001 SFF members beat five farm workers, and one of the five workers, Kambinda Ndara, who was beaten severely and bayoneted, filed a civil claim against the Government. The Government secretly deported Ndara to Angola in February (see Section 2.d.); however, Angolan authorities reportedly helped him return. There was no further information on this case by year's end.

In the 2001 case of Masati Muyenga, who reportedly had been hung upside down and beaten by NDF soldiers, a civil case against the Minister of Defense and the President was pending before the High Court at year's end.

There were no developments in the following 2001 cases of NDF soldiers torturing of Johannes Sondaha Kampumburu, Peter Mukonda, Paulus Shifure, Petrus Kalimbwe, and Joseph Simbinde Muvundu.

Unlike in the previous year, there were no reports that security forces shot and injured persons during the year.

There were no developments in the 2001 case in which SFF soldiers at the Daan Viljoen roadblock shot at and missed the vehicle of Cornelius Grimbeeck and instead shot into Frederick Namaseb's vehicle, hitting him in the back. There was no further information on the case at year's end.

A NDF soldier was charged with "negligent handling of a firearm" in the 2001 case in which Ralph Nairenge, a 17-year-old student at the Bunya Junior Secondary School was shot and injured. There was no further information on the case at year's end.

No action reported was taken against the members of the security forces responsible for beating, shooting, or otherwise abusing persons in the following cases from 2000: The February beating of Kamungwe Ngondo; the February shooting of Muyeve Thadeus Munango; the February beating of Homba Anton; the January beating of Erkki Fiderato; the January shooting of Kandepwe Kapama; the January shooting of Kathumbi Diyeve; the January beating of Lucas Kavura and his father, Daniel Nyambe; and the January beatings of Kapindi Mpepo, Haupindi Hamuyera, and Petrus Paulus.

There were reports that SFF members harassed persons who they stopped for identification checks. For example, in July SFF members reportedly searched and harassed an Angolan businessmen at Oshikango.

Unlike in previous years, and even though senior Government officials continued to criticize homosexuality, there were no reports that security forces harassed homosexuals (see Section 5). The SFF disciplined the two members who ripped earrings from the ears of Katutura men in 2001, and the case was closed. There was no further information about any action in the case of the SFF members who beat two homosexual men in June 2001.

Unlike in previous years, there were no confirmed reports that security forces targeted members of the Mafwe or Kxoe ethnic groups for harassment; however, rumors persisted of tension between the groups and security forces (see Section 5).

At times security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, in other cases, the Government did not take any action against those responsible for abuses.

During the year, media and human rights groups continued to report on the ongoing court cases that resulted from security forces responding with violence to secessionist attacks in 1999. The Legal Assistance Centre (LAC) represented former parliamentarian Geoffrey Mwilima in a civil suit against the Government for damages due to mistreatment by police after the 1999 CLA attack at Katima Mulilo. The SFF members involved in the incidents were charged with assault, and the victims brought individual civil suits against the Government; both the criminal and civil suits still were pending at year's end. The LAC reported that 128 civil suits had been filed relating to the 1999 state of emergency in Caprivi. The criminal cases were scheduled to begin in February but were postponed because none of the defendants had legal representation. Some of the defendants applied for legal aid; however, the Government refused to provide it. The Supreme Court postponed the hearing challenging the refusal twice during the year. In May the Supreme Court ruled in favor of the defendants, requiring the Government to provide legal aid. The criminal cases were postponed further, as the state-provided counsel needed time to prepare the cases. In November the Government announced that the cases would go to trial in February 2003. The defendants remained in detention at year's end (see Section 1.d.).

The police continued to make use of a human rights training course and a human rights manual designed by the LAC. A directive that prohibited the use of sjamboks (heavy leather whips) by police continued to be in force during

the year; however, police did not always observe the directive in practice. Police officers who used sjamboks were disciplined and some were charged with assault.

There were reports of intimidation and abuse of civilians by the FAA soldiers, including rape, sexual harassment, threatening behavior by drunken soldiers, and indiscriminate use of firearms (see Section 5). For example, on September 30, two FAA soldiers raped Bertha Nankali, a citizen with disabilities. Senior FAA members reportedly attempted to bribe Nankali's family to drop the charges against them. The family did not drop the charges, and the case was pending at year's end.

Unlike in the previous year, there were no reports that UNITA forces raped female citizens.

Landmines continued to injure persons (see Section 1.a.).

Prison conditions and conditions in military detention facilities were Spartan; however, the conditions generally met international standards. Visits by international organizations, as well as by a government-sponsored commission, found incidents of overcrowding, poor maintenance, and some abuse of vulnerable groups such as women. Victims of abuse were able to pursue legal remedies. The Ministry of Prisons and Correctional Services administered the country's prisons and jails and continued to work to improve conditions.

Female prisoners were held separately from male prisoners. The Government also made efforts to separate youthful offenders from adult criminals, although in many rural areas, juveniles continued to be held with adults. Separate facilities for child offenders were established in Windhoek and Mariental. There were several pilot programs that provided alternatives to incarceration for juvenile offenders. Pretrial detainees were not held separately from convicted prisoners.

The Government continued to grant nongovernmental organizations (NGOs) regular access to prisons and prisoners. The ICRC requested and received prison access, including access to the high security Dorbabis detention facility.

d. Arbitrary Arrest, Detention, or Exile

The Constitution forbids arbitrary arrest or detention except in situations of national emergency; however, security forces at times used arbitrary arrest and detention in practice. Persons who are arrested must be informed of the reason for their arrest and must be brought before a magistrate within 48 hours of their detention. Those accused are entitled to defense by legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel; however, in practice many accused persons in remote and rural areas were not represented by counsel, primarily due to the lack of resources. Prisoners generally had access to legal counsel and family during regular visiting hours. Detainees had access to their lawyers prior to trial. There was a functioning bail system in place, and the LAC reported that it generally was observed except in rural areas, where persons often were unaware of their legal rights.

A trial must take place within "a reasonable time," or the accused must be released. Human rights organizations have criticized the length of time that pretrial detainees were held, which have extended beyond 1 year in some cases (see Section 1.e.). Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the Government's gazette within 14 days, and their cases must be reviewed within 1 month by an advisory board appointed by the President.

Citizens who were arrested arbitrarily used civil suits as legal recourse in many cases. For example, Matheus Dawid sued the Government after police arrested and assaulted him twice in 2001. In both instances, the police mistook Dawid for Bakondja Katjuongua, an escapee from police custody. In October the Magistrate's Court ruled in favor of Dawid and awarded him approximately \$1,250 (N\$12,500). Luiza Lomba sued the Government, claiming she was arrested and detained as an illegal immigrant in 2000. Immigration and police officers arrested Lomba and detained her for several hours before allowing her to search for and present her birth certificate. When she presented the document, officers released her without charge. In July the Windhoek Magistrate's Court awarded Lomba approximately \$1,500 (N\$15,000) in damages.

Security forces arrested and continued to detain persons suspected of involvement in or collaboration with rebels. For example, in January police arrested two brothers, Paulus Ndumba and Markus Vihemba, after their relative accused them of being "UNITA bandits." There was no further information available on the case at year's end. In July SFF members arrested three persons in Chinchimane village on suspicion that they were members or supporters of the CLA. They were detained at the Katima Mulilo police precinct, and their cases still were pending

at year's end.

In 2001 NDF soldiers arrested Andreas Munango for being a UNITA collaborator. Munango was held secretly at Rundu Military Base for 2 months, and then was transferred to Oshakati police custody for 2 months. He eventually was transferred back to Rundu Military Base. Human rights groups reported that Munango was released in May.

The 2001 cases of suspected rebel collaborators Rassen Lutambo and Corporal Musenge Chipoya (see Section 1.b.) remained under investigation, and no action was taken by year's end.

There were no new developments in the case of Frans Hamberera Kanyeve, who was arrested on suspicion of UNITA involvement and forcibly deported; however, in 2001 human rights groups reported that Kanyeve had returned to the country.

There was no new information on the 2000 case in which security forces reportedly arrested and detained 3 senior headmen from the Kxoe minority group. In 2001 a court ruled against a LAC request for a writ of habeas corpus in the continued detention of approximately 15 Kxoe men during a 2000 security sweep in western Caprivi.

Unlike in previous years, there were no reports that security forces arrested persons for the alleged possession of weapons; however, the whereabouts of some persons arrested in previous years remained unknown (see Section 1.b.).

Police sometimes arrested persons for not having identification cards. These persons included illegal aliens and sometimes citizens, especially with nontraditional names. Persons generally were released after their families brought proof of identification to the police.

Unlike in the previous year, police did not arrest journalists (see Section 2.a.).

There was no known action in the 2001 case of police arresting members of the Hai/Om San ethnic group for not having national identification cards, and it was unknown if they remained in detention at year's end.

In December the Government, in cooperation with representatives of the ICRC, repatriated 74 of the 82 alleged Angolan illegal immigrants arrested in 2000. During 2 years at the Dordabis detention facility, two of the aliens died of natural causes, two proved citizenship and were released, and two were deported to Angola. Two persons remained in detention with pending cases at year's end after they decided against returning to Angola.

During the 1999 state of emergency declared in response to CLA attacks in Katima Mulilo, the security forces detained several hundred suspected CLA members and sympathizers. Most of the detained were held incommunicado for 2 weeks, which the Constitution allows during states of emergency, before the Government provided public notice of the detentions. All of the detainees were arraigned on charges but were denied bail, and 126 remained in detention at year's end; their trials were postponed repeatedly (see Section 1.c.). In October two defendants, Geoffrey Mwilima and Bernard Mucheka, filed a new bail applications based on poor health; the Government approved the applications, but in December ruled against granting bail. During the year, three defendants in the case died in custody, reportedly of natural causes (see Section 1.a.). Since 1999 eight defendants in the case have died in detention.

In 2001 NDF soldiers arrested Liep Kamba and Riambi John in Bagani near the border between the Kavango and Caprivi regions for allegedly planting a landmine that killed three persons; they were released without charge after 3 days. The LAC brought a civil suit against the Government on their behalf; the suit was pending before the High Court at year's end.

Some traditional leaders reportedly continued to detain and imprison persons accused of minor offenses without recourse to police or judicial review. For example, in January a traditional court sentenced Anna Shingenge to pay a fine of approximately \$350 (N\$3500) for allegedly poisoning a villager in 1999. When Shingenge could not pay the fine, she was detained in the king's palace and forced to work unpaid until her family raised funds to pay the fine. In August Shingenge's daughter asked the LAC to represent her mother's case. The LAC asked the court to declare unconstitutional the decision of the traditional authority and challenged an old apartheid government law, which gave authority to traditional leaders to have courts. The court ordered Shingenge's immediate release, and the case challenging traditional courts is expected to continue in May 2003. A related civil suit, in which Shingenge asked for approximately \$55,000 (N\$550,000) in damages for unlawful detention and being subjected to slavery, was pending at year's end.

The Government generally did not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The formal court system had three levels: 30 magistrates' courts; the High Court; and the Supreme Court. The latter also served as a court of appeals and as a constitutional review court.

Most rural citizens first encountered the legal system through the traditional courts, which dealt with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The law delineates which offenses may be dealt with under the traditional system. The law defines the role, duties, and powers of traditional leaders and provides that customary law is invalid if it is inconsistent with provisions of the Constitution.

The constitutional right to a fair trial with a presumption of innocence until proven guilty generally was provided by the judiciary; however, this right was limited somewhat in practice by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system.

The lack of qualified magistrates, other court officials, and private attorneys resulted in a serious backlog of criminal cases, which often translated into delays of up to 1 year or more between arrest and trial, contravening constitutional provisions for the right to a speedy trial. Many of those awaiting trial were treated as convicted criminals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search, except in situations of national emergency; government authorities generally respected these rights in practice. In general violations were subject to legal action.

Under the law, the NCIS is authorized to conduct wiretaps, intercept mail, and engage in other covert activities, both inside and outside the country, to protect national security; however, wiretaps and covert surveillance required the consent of a judge.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, subject to reasonable restrictions in situations such as a state of emergency, and the Government generally respected these rights; however, at times high-level government officials responded to criticism of the ruling party and government policies with verbal abuse. There also were reports of government pressure on reporters who worked for the government-owned media.

The Government owned one newspaper, the biweekly New Era, and one magazine, Namibia Review, and the Government also ran the Namibia Press Agency (NAMPA). The ruling SWAPO party owned one publication, Namibia Today. There were six independent newspapers. Reporters for independent newspapers continued to criticize the Government openly and did not engage in self-censorship.

During the year, high-level government officials sharply and publicly criticized journalists, human rights groups, and opposition politicians in response to perceived criticism of the Government or ruling party (see Section 4). Such verbal attacks did not appear to have affected significantly the aggressive style of the independent media or the work of human rights groups or opposition political parties. The New Era sometimes covered opposition party activities and views that were critical of the Government; however, NGOs involved in media issues maintained that reporters working for the New Era newspaper were subjected to direct and indirect pressure not to report on certain controversial topics.

Government departments continued not buying The Namibian newspaper with state funds due to its critical coverage of the President and the Government. The Cabinet did not allow government advertising in The Namibian, including public notices on the census and other government activities; however, the Government continued to advertise in other newspapers, particularly Namibia Today. Local and international press freedom organizations criticized the Government's ban. During the year, the SWAPO Youth League called for parastatals to stop advertising in The Namibian without results.

Unlike in the previous year, the Government did not purchase the majority of copies of Namibia Today.

Unlike in the previous year, there were no reports that journalists were subjected to harassment or violence by police.

The government owned and operated the Namibian Broadcasting Corporation (NBC) Radio and Television. NBC television and nine radio services that broadcast in English and indigenous languages were the most widely heard and influential media in the country. During the year, there were reports of government influence on and self-censorship by the staff of the operations and editorial content of NBC. In August President Nujoma shifted ministerial responsibility for information and broadcasting from the Ministry of Foreign Affairs to State House, where it nominally was under his direct control. The Director General of NBC, appointed in 2001 and criticized for enforcing ideological compliance with the Government, resigned in September. For a short time, the President insisted that some foreign programming be removed from NBC television; however, some foreign-produced shows were restored after viewers complained.

There were eight private radio stations, two private television stations, and a private cable and satellite television service that broadcast the Cable News Network, the British Broadcasting Corporation, and a range of South African and international news and entertainment programs. The ruling SWAPO party owned 51 percent of this cable service. There were no restrictions on the private ownership of satellite dishes, and the use of satellite dishes and cable television was growing.

Government regulations required foreign journalists who sought to visit the country to apply for a temporary work permit from the Ministry of Home Affairs. No prior notice of their intended visit was necessary.

There were no restrictions on Internet access or use. There were growing numbers of domestic web pages, and three of the independent newspapers had popular websites.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, except in situations of national emergency, and freedom of association, even in times of national emergency, and the Government generally respected these rights in practice. Organizers of public meetings were required to obtain prior police approval, but many public gatherings took place without such approval and without interference by the Government.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, except in situations of national emergency; however, on occasion the Government restricted these rights in practice.

Unlike in the previous year, there were no reports that SFF members beat persons whom they stopped for identification checks; however, there continued to be reports that they harassed persons (see Section 1.c.).

In June the Government lifted the dusk-to-dawn curfew in the Kavango region and in the western Caprivi. The curfew was in response to the war in Angola and the spillover effects in the country.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) on the granting of refugee status to asylum seekers. The Government's eligibility committee continued to meet on a regular basis to consider asylum requests, and the UNHCR was permitted to intervene in those cases where immigrants would qualify for refugee status. During the year, the Government reportedly began to require individual status determination for asylum cases; however, in practice the Government generally granted Angolans refugee status based solely on their country of origin. Illegal immigrants were detained for short periods prior to their deportation proceedings. In cases where illegal immigrants posed a security threat, they could be detained for longer periods.

The Government continued to permit asylum seekers to enter the country. Asylum seekers received full UNHCR assistance at the Osire Refugee Camp pending the outcome of their cases; however, because of a lack of government resources, cases could go several years without refugee status determination. At year's end, the UNHCR estimated the population at the Osire Refugee Camp to be 18,500. Approximately 96 percent of this population was from Angola. The remaining refugees were from DRC, Burundi, Rwanda, and other African countries. The Government generally did not permit refugees and asylum seekers to work or live outside the Osire refugee camp. Primary education was available to all refugees at the camp. The Government facilitated the refugees' secondary education at schools outside the camp. Unlike in previous years, the Osire camp did not experience problems with overcrowding, shelter, or water quality. Over the past several years, the camp expanded from its initial capacity of 5,000 persons. During the year, new shipments of tents and the construction of permanent shelters eased overcrowding. Drinking water remained in ample supply, and a new treatment system effectively improved water quality. Malnutrition continued to be a problem with new arrivals at the camp. Some tension with local farmers persisted; farmers accused some refugees of poaching, and refugees claimed they were not paid for informal labor.

The Government continued to maintain strict control over civilian access to the Osire refugee camp; however, the Namibian Red Cross Society (NRCS) and the UNHCR had access to the camp. In 2001 the UNHCR administered two feasibility studies on a government proposal to move the Osire camp to Mkata. During the year, the Government took no further action on the relocation of the camp.

A reported 1,010 Namibian refugees voluntarily returned home from the Dukwe refugee camp in Botswana under a tripartite agreement between Namibia, Botswana, and the UNHCR. UNHCR-Namibia monitored the return closely and was satisfied with the Government's cooperation. There were no reports of harassment of the returned refugees.

Unlike in previous year, there were no reports that Namibian and Angolan security forces forcibly returned Angolan refugees entering the Kavango region. Such deportations were a problem on several occasions starting in 2000, but appeared to have ceased with the end of the conflict in Angola. Also unlike previous years, there were no allegations that young males were separated from their families, arrested, returned to Angola, or forcibly conscripted into the Angolan army. During the year, the UNHCR again requested and was granted access to immigration tribunal proceedings.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised their right to change their government by electing a President and National Assembly for the second time since independence during the 1999 general election, which international and domestic observers agreed was generally free and well-administered despite some irregularities. Observers noted instances of harassment of opposition members during the campaign, and unequal access to media coverage and campaign financing were problems. Nevertheless voter turnout was more than 60 percent, and the election proceeded peacefully. Sam Nujoma, leader of the ruling party SWAPO, was reelected for another 5-year term. Although the Constitution formerly limited the President to two terms in office, in 1998 the National Assembly amended the Constitution to permit President Nujoma to run for a third term. President Nujoma won 77 percent of the vote and SWAPO won 55 of 72 elected National Assembly seats. In the National Assembly, 4 opposition parties won a total of 17 seats, including the COD party, which won the largest number of opposition votes; the Democratic Turnhalle Alliance (DTA); the United Democratic Front; and the Monitor Action Group. Presidential and legislative elections were expected to take place in 2004.

The Constitution establishes a bicameral Parliament and provides for general elections every 5 years and regional elections every 6 years. Members of the National Assembly were elected on a party list system on a proportional basis.

Opposition parties generally were able to undertake political activities such as advertising and holding party conferences and public rallies.

Women held 18 seats in the 78-seat National Assembly. There was a Women's Caucus in parliament that reviewed legislation for gender sensitivity. There were 3 female ministers and 4 female deputy ministers among the 42 ministerial and deputy ministerial positions. In addition, one woman held a cabinet-level position as Director of the National Planning Commission. Women served as the Ombudswoman and as the Government Attorney.

Historic economic and educational disadvantages have served to limit the participation of the indigenous San ethnic group in politics; however, a member of the San community representing the SWAPO party was elected to the National Assembly in the 1999 general elections. Virtually all of the country's other ethnic minorities were represented in parliament and in senior positions in the Cabinet. Members of smaller ethnic groups hold the offices of Prime Minister, Deputy Prime Minister, and Speaker of the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

During the year, high-level government officials continued to use harsh language in responding to criticisms of the ruling party and government policies by NGOs. Government officials continued to attack verbally the NSHR. Unlike in the previous year, the Government did not attack verbally the Breaking the Wall of Silence (BWS) Movement, which acted as an advocate for former detainees imprisoned by SWAPO prior to independence. However, despite verbal attacks, local NGOs such as the LAC, the NSHR, the BWS Movement, and those working with indigenous groups continued to criticize government policies freely. Both the NSHR and the Namibia Institute for Democracy (NID) maintained field offices in the Kavango region. Human rights organizations generally were free to investigate reports of abuses in the region and to release reports.

In addition, human rights organizations and academic organizations, such as the Media Institute for Southern Africa (MISA), the Centre for Applied Social Sciences, and the Human Rights Documentation Centre, worked openly on a variety of human rights problems affecting the press, women, ethnic minorities, and other groups. The MISA, which is based in Windhoek, periodically issued reports criticizing the Government.

There were no developments in the 2000 deportation of Moses Nasileli, the Katima Mulilo-based head of NSHR's Caprivi office during the year.

During the year, representatives of international human rights organizations, including Amnesty International (AI), visited the country to investigate allegations of human rights abuses. AI representatives investigated the possibility of providing legal aid to the alleged Caprivi secessionists in detention since 1999 (see Section 1.d.).

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, creed, gender, or religion, and specifically prohibits "the practice and ideology of apartheid"; the Government generally respected these provisions. During the year, there was continued improvement in the attention paid to women's issues and the rights of persons with disabilities. The country has a law protecting homosexuals from employment discrimination; however, during the year, senior government officials, including President Nujoma, continued to make disparaging public remarks about homosexuals. For example, in an August address to the Congress of the Namibia Public Workers Union (NAPWU), the President called homosexuality a "shameful thing," and told workers to denounce the practice. Unlike in the previous year, there were no reports that SFF members harassed and abused persons whom they suspected were homosexual.

Women

Domestic violence against women, including beating and rape, was widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. However, there continued to be an improvement in the attention paid to the problems of rape and domestic violence. Government ministers joined in public protests against domestic violence, and the President, members of his Cabinet, and parliamentarians continued to speak out against it. In 2001 convicted rapists and abusers received longer prison sentences in many cases than in previous years. NGOs continued to express concern that the court system did not have mechanisms to protect vulnerable witnesses from open testimony. During the year, the Government worked on establishing judicial procedures to address the problem, including the use of mechanisms such as one-way mirrors and closed-circuit television, but the authorizing legislation for these procedures was stalled in the Ministry of Justice. Police

stated that more women came forward to report cases of rape and domestic violence. The law defines rape in broad terms and allows for the prosecution of spousal rape.

In 2001 the police had a special training course on gender sensitivity. Centers for abused women and children in Oshakati, Windhoek, Keetmanshoop, Walvis Bay, and Rehoboth were staffed with specially trained female police officers to assist victims of sexual assaults. There were sanctuaries for victims of sexual assaults in Mariental, Swakopmund, and Tsumeb.

Unlike in previous years, there were no reports that women were kidnaped by armed men along the border with Angola in the Kavango and Caprivi regions; however, there were several reports that women in those regions were raped or otherwise abused (see Section 1.c.). In previous years, the Government claimed that UNITA rebels perpetrated these abuses; however, human rights groups reported that some of the incidents were perpetrated by FAA soldiers. Abuses lessened after the April ceasefire in Angola; however, they did not cease entirely. For example, on July 10, press and human rights groups reported that an NDF soldier was arrested for raping a woman near Kongola. On September 30, two FAA soldiers raped speech-impaired Bertha Nankali (see Section 1.c.).

The Constitution prohibits discrimination against women, including employment discrimination. The law prohibits discriminatory practices against women married under civil law. Women married under customary (traditional) law continued to face legal and cultural discrimination. Traditional practices that permitted family members to confiscate the property of deceased men from their widows and children still existed; however, the frequency of such cases lessened considerably during the year.

Children

The Constitution enumerates children's rights, including those in the area of education and health. During the year, 24 percent of government expenditures were designated for education and 15 percent for health care, only a slight decrease from previous years; however, in practice outmoded policies and laws and an untrained work force led to inadequate attention to child welfare.

The Constitution provides children with the right to primary and junior secondary education (grades 1 to 10); however, the numerous fees, which included fees for uniforms, books, boarding costs, and school improvement, placed a heavy burden on students' families. The inability of poorer families to pay the fees, which varied greatly between regions, precluded some children from attending school. In general more girls were enrolled than boys in secondary schools. Many San children did not attend school.

A decline in refugees due to the end of the Angola conflict and the provision of additional tents, clinics, and schools improved conditions at the Osire Refugee Camp. Primary education was available to all refugee children in the camp; however, there was a shortage of classrooms (see Section 2.d.). The UNHCR reported that it needed 72 new classrooms at year's end.

Child abuse was a serious and increasingly acknowledged problem. The authorities vigorously prosecuted crimes against children, particularly rape and incest. The law protects children under 18 years of age by criminalizing sexual exploitation, child pornography, and child prostitution. The age of sexual consent was 16 years. During the year, courts handed down longer sentences against child rapists than in previous years, and the Government provided training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children were working actively to reduce the trauma suffered by abused children. Child prostitution existed (see Section 6.f.).

Unlike in the previous year, there were no reports that the Angolan armed forces were recruiting persons under 18 years of age in the northern part of the country to fight in southern Angola against UNITA.

Persons with Disabilities

While discrimination on the basis of disability is not addressed in the Constitution, the Labor Act prohibits discrimination against persons with disabilities in employment; however, enforcement in this area was ineffective. Although there was no legal discrimination against persons with disabilities, societal discrimination persisted. The Government legally does not require special access to public buildings for persons with disabilities, and many ministries remained inaccessible to them. Although some municipal governments have installed ramps and special curbing for persons with disabilities at street crossings, physical access for those with disabilities remained a problem due to resource constraints. Disability issues continued to receive greater public attention than in previous

years, with wider press coverage of the human rights problems that confront persons with disabilities.

Indigenous People

The San, the country's earliest known inhabitants, historically have been exploited by other ethnic groups. The Government has taken numerous measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally held lands and increasing their access to primary education; however, many San children did not attend school. Unlike in the previous year, there were no reports from the NSHR or in the press that claimed that civilians from the Mafwe and Kxoe San ethnic groups were targeted by police for harassment, and there were no substantiated reports of harassment.

By law all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources; however, San and other indigenous citizens have been unable to exercise fully these rights as a result of minimal access to education, limited economic opportunities under colonial rule, and their relative isolation.

The Government's authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference, especially was controversial because of the leaders' influence on local events, including local police powers. In some cases, the Government withheld recognition from genuine traditional leaders who agreed with the political opposition. This has been especially true in the Khoe San and Mafwe communities in the Caprivi and in the Herero community.

National/Racial/Ethnic Minorities

The Constitution prohibits discrimination based on race and other factors and specifically prohibits "the practice and ideology of apartheid." The law codifies certain protections for those who cite racial discrimination in the course of research (including academic and press reporting) or in trying to reduce racial disharmony. Nevertheless as a result of more than 70 years of South African administration, societal, racial, and ethnic discrimination persisted. There were several reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners. Many nonwhites continued to complain that the Government was not moving quickly enough in education, health, housing, employment, and access to land.

As in previous years, some citizens complained that the SWAPO-led government provided more development assistance to the numerically dominant Ovambo ethnic group of the far north than to other groups or regions of the country.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association, including freedom to form and join trade unions, and the Government generally respected this right in practice. Public servants, farm workers, and domestic employees also have this right; however, farm workers and domestic servants working on rural and remote farms often were ignorant of their rights, and unions experienced obstacles in attempting to organize these workers; as a result, they reportedly suffered abuse by employers. Trade unions had no difficulty registering, and there were no government restrictions on who may serve as a union official. The law provides a process for employer recognition of trade unions and protection for members and organizers.

Less than 20 percent of full-time wage earners were organized. Trade unions lacked resources.

Unions were independent of the Government and could form federations. The two principal trade union organizations were the National Union of Namibian Workers (NUNW) and the Trade Union Congress of Namibia (TUCNA). The NUNW and SWAPO were affiliated. In May the TUCNA formed when the Namibia Federation of Trade Unions (NAFTU) merged with the Namibia People's Socialist Movement (NPSM). The Government recognized the non-SWAPO aligned TUCNA, and treated it professionally; however, the TUCNA did not appear to have the same level of access that government officials accorded to the NUNW. In previous years, the Mine Workers Union Investment Company, which consisted of several large public service, teachers, mining, and maritime unions, was critical of the Government.

Employers were required to give a registered union access to its members and to recognize the exclusive

collective bargaining power of the union when a majority of the employer's workers were members of that union. This provision of the law has been implemented effectively.

Laws specifically protect both union organizers and striking workers from employer retaliation, and there appeared to be only isolated cases of retaliation. However, the scarcity of judges and lack of expertise in labor law caused lengthy and unnecessary delays. The new labor act, which has not yet been promulgated, includes provisions for binding arbitration to resolve most labor disputes. The labor law does not prohibit labor by nonunion replacement workers, but most companies sought negotiated settlements rather than employing nonunion replacement workers.

The law empowers the Labor Court to remedy unfair labor practices and explicitly forbids unfair dismissals. Unfair dismissals occurred when employers terminated employment without following correct procedures and a substantially fair process. Unfair dismissals may be appealed to the Labor Court, and remedies include fines, compensation, and reinstatement, as determined by a labor court judge; however, there were not enough judges to address the backlog of cases.

Trade unions were free to exchange visits with foreign trade unions and to affiliate with international trade union organizations. Unions exercised this right without interference and were affiliated with the Southern Africa Trade Union Coordination Council, the Organization of African Trade Union Unity, and the International Congress Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The law provides employees with the right to bargain individually or collectively. Collective bargaining was not practiced widely outside the mining and construction industries, which had centralized, industry-wide bargaining. Almost all collective bargaining was at the workplace and company level. However, as unions became more active, informal collective bargaining became more common. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully.

Except for workers providing essential services such as jobs related to public health and safety, workers had the right to strike once conciliation procedures had been exhausted, and 48-hour notice had been given to the employer and labor commissioner. During the year, a 5-year prohibition on strikes in the export processing zones (EPZs) expired. Under the law, strike action could be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration (see Section 6.a.). The law protects workers engaged in legal strikes from unfair dismissal. Strikes were rare in the country. During the year, the Ministry of Labor worked proactively to resolve wage disputes at a new Malaysian textile plant. In August there was an unsanctioned strike over wages at the Skorpion Zinc Mine, owned by Anglo-American. Police intervened when the striking workers became violent and set a mine vehicle on fire. Skorpion management negotiated a peaceful settlement with the workers, and most returned to their jobs.

There were EPZs at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZs outside of these parks. The law applies to EPZs; however, in previous year, workers in EPZs were prohibited from striking, and employers were prohibited from engaging in lockouts; however, these prohibitions expired during the year. Nevertheless, unions have been active in the EPZs since their establishment.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, including by children; however, there continued to be media reports during the year that farm workers (including some children on family-owned commercial farms) and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Given the country's vast distances and the Ministry of Labor's resource constraints, labor inspectors sometimes encountered problems in gaining access to the country's large, family-owned, commercial farms in order to investigate possible labor code violations. To address this problem, the Ministry of Labor added inspectors to its payroll during the year.

Unlike in previous years, there were no reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola. In 2001 there was a report that the Angolan armed forces were recruiting persons under 18 years of age in the northern part of the country to fight in southern Angola against UNITA. With the February end of the conflict in Angola and related crossborder raids, this problem ceased.

d. Status of Child Labor Practices and Minimum Age for Employment

Under the law, the minimum age for employment is 14 years, with higher age requirements for night work and in certain sectors such as mining and construction. Children below the age of 14 often worked on family-owned commercial farms and in the informal sector, and some also worked in communal areas. In 1999 the Namibia Child Activities Survey reported that of 444,751 children ages 6 to 18 in the country, 72,405 (16.3 percent) worked. The survey defined work as "for pay, profit, or family gain, even for 1 hour per day within the 7 days preceding the survey." More than 95 percent of those children classified as working lived in rural areas, which indicated that the majority of child labor occurred on farms. The survey also documented that of those children classified as working, 80 percent continued to attend school.

The Government has taken steps to end child labor abuses. During the year, the Ministry of Labor improved their capability to enforce minimum age regulations; the Ministry hired additional inspectors and revised inspection checklists to include specific inquiries on ILO Convention 182 concerns. The Ministry also held a series of workshops in several rural areas to raise awareness of child labor.

Criminal penalties and court orders were available to the Government to enforce child labor laws; however, such action involved a complicated procedure that must be initiated through a civil legal process.

The Labor Advisory Council, a tripartite board which included government, union, and private sector representatives, sponsored a series of workshops during the year to sensitize and inform employers about child labor regulations.

e. Acceptable Conditions of Work

There was no statutory minimum wage law; however, the mining and construction sectors had set basic levels of pay. During the year, representatives of farm owners and managers and the Ministry of Labor agreed upon a minimum wage for farm workers. In Windhoek's historically disadvantaged high-population density areas, minimum wages for workers did not provide a decent standard of living for a worker and family. Wage levels for the less educated majority remained largely unchanged since independence.

The standard legal workweek is 45 hours, and requires at least one 24-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 consecutive days of annual leave, at least 30 workdays of sick leave per year, and 3 months of unpaid maternity leave. However, in practice these provisions were not observed or enforced rigorously by the Ministry of Labor.

The Government mandates occupational health and safety standards. The Labor Act empowers the President to enforce these standards through inspections and criminal penalties. Labor laws generally were implemented efficiently, and during the year, the Ministry of Labor added several inspectors to its payroll; however, it still lacked an adequate number of trained inspectors to monitor adherence to such labor regulations as providing overtime pay and social security by some companies, especially small, family-owned operations. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers did not have this right in practice.

The law accords the same rights to legal foreign workers as it accords to citizens.

f. Trafficking in Persons

Although the law does not specifically prohibit trafficking in persons, it does prohibit slavery, kidnaping, forced labor, including forced prostitution, child labor, and alien smuggling; however, there were reports of trafficking.

There were a few reports of child prostitution. In such cases, police prosecuted parents as well as the perpetrators. In April the Government signed and ratified the Optional Protocol to the Convention on the Rights of the Child, On the Sale of Children, Child Prostitution, and Child Pornography.

There also were reports that Namibia was a transit country for persons trafficked to and from South Africa.

Unlike in previous years, there were no reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola.

During the year, there were no information campaigns specifically devoted to antitrafficking themes. The Government encouraged its embassies and consulates to maintain relations with NGOs that followed trafficking

issues. In 2001 police and immigration officials received training in combating trafficking in persons.